

Message Text

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ORIGIN PM-05

INFO OCT-01 AF-10 NEA-10 ISO-00 SP-02 NSC-05 CIAE-00
INR-10 L-03 H-01 SS-15 DODE-00 /062 R

DRAFTED BY PM/SAS:RWSMITH:RG
APPROVED BY PM/SAS:ASKOCHANЕК
L/PM - MR. BOREK
AF/E - MR. GARLAND
NEA/RA - COL. GROSS
-----130405 071320Z /44R
R 062208Z SEP 78
FM SECSTATE WASHDC
TO AMEMBASSY ADDIS ABABA
USCINCEUR VAIHINGEN GE
INFO AMEMBASSY JIDDA
AMEMBASSY SANA

C O N F I D E N T I A L STATE 226102

E.O. 11652: GDS

TAGS: MASS, ET, YS, SA, US

SUBJECT: MOVEMENT OF AIRCRAFT FROM ETHIOPIA TO SOUTH YEMEN

REF: ADDIS ABABA 3772

1. VISIT OF ETHIOPIAN F-5ES TO SOUTH YEMEN AS DESCRIBED
REFTEL DOES NOT CONSTITUTE AN UNAUTHORIZED TRANSFER AS
CONTEMPLATED BY SECTION 3 OF THE ARMS EXPORT CONTROL ACT
(AECA). SO LONG AS PMGSE RETAINED OPERATIONAL CONTROL OF
AIRCRAFT DURING VISIT, NO THIRD-PARTY TRANSFER OCCURRED.
IF PMGSE PILOTS HAD PERFORMED OPERATIONAL MISSIONS ON
BEHALF OF PDY, THEN WE WOULD HAVE HAD PROBLEM OF POTENTIAL
UNAUTHORIZED USE, BEYOND THAT PERMITTED BY MUTUAL DEFENSE
ASSISTANCE AGREEMENT OF MAY 22, 1953, (I.E., INTERNAL
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SECURITY, LEGITIMATE SELF-DEFENSE, REGIONAL DEFENSE, OR
SUPPORT OF COLLECTIVE MEASURES CONSISTENT WITH THE CHARTER
OF THE UNITED NATIONS).

2. UNDER SECTION 3(C) OF THE AECA, THE PRESIDENT MUST
REPORT ANY INFORMATION REGARDING AN UNAUTHORIZED TRANSFER
TO THE CONGRESS IMMEDIATELY. SECTION 3(C) IN ADDITION

PROVIDES THAT IF A COUNTRY IS IN SUBSTANTIAL VIOLATION OF ANY AGREEMENT ENTERED INTO UNDER THE ACT BY USING DEFENSE ARTICLES OR SERVICES FOR PURPOSES NOT AUTHORIZED BY THE AECA, OR BY TRANSFERRING DEFENSE ARTICLES OR DEFENSE SERVICES TO THIRD PARTIES WITHOUT USG CONSENT, IT SHALL BE INELIGIBLE FOR FURTHER CREDITS OR CASH SALES OR DELIVERIES, AS APPROPRIATE. IT FURTHER REQUIRES PROMPT REPORTS TO CONGRESS WHEN USG LEARNS THAT SUBSTANTIAL VIOLATION QUOTE MAY HAVE OCCURRED UNQTE. THE DETERMINATION OF INELIGIBILITY MAY BE MADE BY THE PRESIDENT OR BY THE CONGRESS BY JOINT RESOLUTION.

3. DESPITE PMGSE ASSERTIONS, THE USG DOES UNDERTAKE ACTION TO PREVENT POTENTIAL UNAUTHORIZED TRANSFERS IF WE ARE INFORMED ABOUT THEM. USG REQUIREMENTS AND PROCEDURES RELATING TO THIRD PARTY TRANSFERS OF DEFENSE ARTICLES AND SERVICES ARE GENERALLY WELL UNDERSTOOD BY FOREIGN GOVERNMENTS AS DEMONSTRATED BY THE SMALL NUMBER OF UNAUTHORIZED TRANSFERS THAT HAVE COME TO OUR ATTENTION. WE WILL CONTINUE TO DEAL PROMPTLY WITH ANY REPORTS WE RECEIVE REGARDING THIRD-PARTY TRANSFERS.

4. GIVEN FACTUAL UNCERTAINTIES, WE DO NOT BELIEVE AT THIS TIME THAT A REPORT TO CONGRESS UNDER SECTION 3(C) OF AECA (ON GROUNDS OF POSSIBLE SUBSTANTIAL VIOLATION OF USE CONDITIONS OF AGREEMENT) IS WARRANTED. IN ANY CASE, CONFIDENTIAL

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ETHIOPIAN ABROGATION ON APRIL 23, 1977 OF 1953 MUTUAL DEFENSE ASSISTANCE AGREEMENT HAS RENDERED ETHIOPIA INELIGIBLE FOR FURTHER GRANTS OF DEFENSE ARTICLES AND SERVICES AND FOR ALL PRACTICAL PURPOSES FOR SALES UNDER FMS AS WELL. THUS, POSSIBLE SANCTIONS PROVIDED FOR IN AECA WOULD BE LARGELY IRRELEVANT TO ETHIOPIA UNDER PRESENT CIRCUMSTANCES. EMBASSY MAY IF IT DESIRES CALL TO PMGSE ATTENTION SERIOUS CONCERN WITH WHICH USG WOULD VIEW ANY UNAUTHORIZED TRANSFER OR USE OF USG-ORIGIN DEFENSE ARTICLES OR SERVICES. WE WOULD, OF COURSE, WELCOME ANY ADDITIONAL INFORMATION EMBASSY MAY OBTAIN ON SUBJECT.

5. FOR JIDDA: EMBASSY MAY, AT ITS DISCRETION, ASSURE APPROPRIATE SAG OFFICIALS THAT REPORTED USE OF F-5S IN SOUTH YEMEN IS MATTER OF HIGH INTEREST TO USG WHICH WE WILL CONTINUE TO WATCH CLOSELY. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY AIRCRAFT
Control Number: n/a
Copy: SINGLE
Draft Date: 06 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE226102
Document Source: CORE
Document Unique ID: 00
Drafter: RWSMITH:RG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Format: TEL
From: STATE
Handling Restrictions: n/a
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Line Count: 110
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Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 ADDIS ABABA 3772
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1527400
Secure: OPEN
Status: NATIVE
Subject: MOVEMENT OF AIRCRAFT FROM ETHIOPIA TO SOUTH YEMEN
TAGS: MASS, PCAT, ET, YS, SA, US
To: ADDIS ABABA USCINCEUR VAIHINGEN GE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/9167fa56-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014